



UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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In the Matter of BEST PAYPHONES, INC.,

Debtor,

Case No. 01-B-15472 (SMB)  
Chapter 11

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MANHATTAN TELECOMMUNICATIONS CORP.,  
d/b/a MetTel,

Claimant,

-against-

BEST PAYPHONES, INC.,

Debtor.

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GEORGE M. GILMER, ESQ.  
943 Fourth Avenue  
Brooklyn, NY 11232  
(718) 788-0100  
Attorney for Debtor

**NOTICE OF MOTION TO REARGUE**

PLEASE TAKE NOTICE that upon the submission of the attached Memorandum of Law, dated the 31<sup>st</sup> day of March, 2008, and upon all papers and proceedings heretofore had herein, the Debtor herein ("Debtor") through its attorney, George Gilmer, Esq., pursuant to Rule 59 of the Federal Rules of Civil Procedure, Rule 60 of the Federal Rules of Civil Procedure, Rule 3008 of the Federal Rules of Bankruptcy Procedure, Rule 9024 of the Federal Rules of Bankruptcy Procedure, and Local Bankruptcy Rule 9023-1 for the Bankruptcy Court for the Southern District of New York, will move this Court before the Honorable Stuart M. Bernstein, Chief United States Bankruptcy Judge of the Southern District of New York, at the Courthouse, One Bowling Green, New York, New York, Room 723, on the 21<sup>st</sup> day of April, 2008, at 10:00 o'clock in the forenoon thereof, or as soon thereafter as counsel can be heard, for an Order to reargue so much of the Court's Final

Judgment and Order, entered March 20, 2008, granting in part the Motion For Summary Judgment of Claimant Manhattan Telecommunications Corporation ("MetTel") and awarding claimant the amount of \$388,988.76, inclusive of costs and legal fees, including without limitation,

(i) the Findings of Fact and Conclusions of Law related to the claim that arose from the 2000 NATelCo Agreement, entered May 9, 2007;

(ii) the Judgment related to the claim that arose from the 2000 NATelCo Agreement, entered on May 17, 2007;

(iii) the Order denying Best's motion for summary judgment to dismiss claims that arose from the 2000 NATelCo Agreement, entered November 14, 2006;

(iv) the Order granting summary judgment related to a credit that MetTel should have issued Best because of interest earned on a deposit that Best submitted in relation to the 2000 NATelCo Agreement, that was transferred to MetTel, entered November 26, 2007;

(v) the Order granting MetTel summary judgment, in part, for accounts stated, with interest, entered on December 31, 2002; and

(vi) granting such other and further relief as the Court may deem necessary and proper in the circumstances.

**PLEASE TAKE FURTHER NOTICE** that all responses or objections, if any, to the relief requested shall be made in writing, shall state with particularity the grounds therefor, and shall be electronically filed with the Clerk of the United States Bankruptcy Court for the Southern District of New York, One Bowling Green, New York, New York 10004, with a copy to Chambers, and served upon counsel for the Debtor, George Gilmer, Esq., 943 Fourth Avenue, Brooklyn, NY 11232 on or before April 14, 2008, or by mail, three days beforehand.

Dated: Brooklyn, New York  
March 31, 2008

/s/ George M. Gilmer  
GEORGE M. GILMER, ESQ. (GG-5479)  
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